

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, ) CASE NO. MJ 07-591  
)  
Plaintiff, )  
)  
v. )  
) DETENTION ORDER  
FERNANDO DE LA CRUZ-MALAGON, )  
)  
Defendant. )  
\_\_\_\_\_ )

Offense charged:

Illegal Reentry after Deportation

Date of Detention Hearing: Initial Appearance December 20, 2007

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Defendant is reportedly a citizen of Mexico.

01           (2)     The United States alleges that his presence in this country is illegal. There is an  
02 immigration detainer pending against him. The issue of detention in this case is therefore  
03 essentially moot, as the defendant would be released to immigration custody if not detained in this  
04 case.

05           (3)     Defendant and his counsel offer no opposition to the entry of an order of detention.

06           (4)     Upon advice of counsel, defendant declined to be interviewed by Pretrial Services.  
07 Therefore, there is limited information available about him.

08           (5)     There does not appear to be any condition or combination of conditions that will  
09 reasonably assure the defendant's appearance at future Court hearings while addressing the danger  
10 to other persons or the community.

11 It is therefore ORDERED:

12           (1)     Defendant shall be detained pending trial and committed to the custody of the  
13 Attorney General for confinement in a correction facility separate, to the extent  
14 practicable, from persons awaiting or serving sentences or being held in custody  
15 pending appeal;

16           (2)     Defendant shall be afforded reasonable opportunity for private consultation with  
17 counsel;

18           (3)     On order of a court of the United States or on request of an attorney for the  
19 Government, the person in charge of the corrections facility in which defendant is  
20 confined shall deliver the defendant to a United States Marshal for the purpose of  
21 an appearance in connection with a court proceeding; and

22           (4)     The clerk shall direct copies of this Order to counsel for the United States, to

01 counsel for the defendant, to the United States Marshal, and to the United States  
02 Pretrial Services Officer.

03 DATED this 21st day of December, 2007.

04 

05 Mary Alice Theiler  
06 United States Magistrate Judge